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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,316	06/24/2003	John G. Bauer	TRW(AP)6380	1953

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EXAMINER	
ILAN, RUTH	

ART UNIT	PAPER NUMBER
3616	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental **Office Action Summary**	Application No. 10/602,316	Applicant(s) BAUER ET AL.	
	Examiner Ruth Ilan	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8 and 13-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8,13-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In the telephone interview of February 3, 2006, Mr. Bob Lipcsik corrected pointed out a number of errors in the final rejection of 11/03/05, particularly with regard to the rejection in paragraph 3 of the action, (Fukuda et al. in view of Yoshida et al.) Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The Examiner regrets any inconvenience her mistakes may have caused.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (DE 10146493 A1) in view of Buchanan (US 5,603,526.) Fischer teaches (Figure 1 and attached English language abstract) an apparatus for helping to protect an occupant of a vehicle including an inflatable device (12) that is inflatable away from a vehicle surface (9) including at least one vent (15), an inflation fluid source (1), and the at least one vent (17) is positioned against a vehicle surface (9- see abstract and Figures 1 and 2) when the air bag is in the inflated position to help block inflation fluid from moving through the vent. The vent releases inflation fluid when the air bag is obstructed (see abstract and Figure 3 or 4.) Fischer fails to teach that the vent is covered with material that is secured by a rupturable member. It is well known in the air

bag art to fit vents with a variety of covers. Buchanan teaches a cover (20) for an air bag vent (18) that is attached by a rupturable member that is a tear seam that is stitching (30) that secures the cover to the inflatable member. This cover is used to allow the selection of an inflator that does not have to be oversized for the excessive losses that can occur during the initial stages of inflation, which is a risk with an uncovered vent (see col. 1, lines 30-42.) It would have been obvious to one having ordinary skill in the art at the time of the invention to include a covering for the vent of Fischer, in view of the teachings of Buchanan, in order to provide a system that minimizes gas losses during the initial stages of inflation. The air bag vent of Fischer in view of Buchanan will perform in the manner claimed at the end of claim 13, at least to the extent disclosed by the applicant, in that if the pressure is high enough, and the air bag of Fischer is moved from the position against the instrument panel, the rupturable seam taught by Buchanan will tear (see Buchanan, col. 4, lines 20-25.)

4. Claims 8, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (JP 2000-16228 A) in view of Yoshida (US 6,786,505 B2.) Fukuda et al. teaches a plurality of vents including means for blocking (see Figure 5, 44a or 44b) spaced about the throat and the opening of the housing, and that such an airbag is used in a steering wheel. Regarding claims 13 and 14, the rupturable member is a tear seam (52b, see Figure 8.) Regarding claims 15 and 16, as broadly recited, Figures 6, 12, and 10 disclose embodiments that include material secured over the vent by stitching, which ruptures. Regarding claims 17 and 18, Fukuda et al. teaches a pleat (see Figure 15.)

The pleat of Fukuda is not shown as stitched, however, Fukuda et al. teaches that it is known to maintain a pleated configuration with rupturable stitching (see Figures 6 and 12) and it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the pleat of Figure 15 of Fukuda et al. to include a stitch in order to maintain the pleat in the desired configuration until further deployment. Fukuda et al. fails to teach the claimed positioning of the vent holes against a vehicle surface. Yoshida is discussed above, and teaches that it is known to position the means for blocking, and the vents of an air bag apparatus against a vehicle surface (IP- see Figure 3a) when the air bag is in the inflated position to help block inflation fluid from moving through the vent (see Figures 3a-3d and col. 6, lines 23-30) and as such allow the use of a low output inflator (see col. 1, and throughout) and to release the fluid when the air bag is obstructed by an out of position occupant, so as to minimize danger to the out of position occupant caused by too firm impact with a highly pressurized air bag (see Figure 4 and col. 7, lines 3-20) The vents of Yoshida et al. are adapted to open when the air bag is moved from the deployed position, since the instrument panel will no longer be blocking the vent. It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Yoshida et al., that of tailoring the internal pressure of the airbag based on the position of the occupant by blocking or allowing the escape of gas, to the steering wheel air bag of Fukuda et al., in order to allow the use of a lower output inflator, and to maximize the safety of the occupant.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (DE 10146493 A1) in view of Buchanan (US 5,603,526) and further in view

of Fukuda et al. (JP 2000-16228 A.) Fischer in view of Buchanan is discussed above and fails to teach a vent covering that is a pleat. Fukuda et al. teaches (Figure 15) that it is known to use the airbag material to cover the vent by forming a pleat. The pleat allows the use of a vent cover that does not require separate material. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the air bag of Fischer in view of Buchanan to include a pleat cover, as taught by Fukuda et al. in order to provide a vent cover that does not require the use of separate material. Regarding claims 17 and 18, the pleat of Fukuda is not shown as stitched, however, Fukuda et al. teaches that it is known to maintain a pleated configuration with rupturable stitching (see Figures 6 and 12) and it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the pleat of Figure 15 of Fukuda et al. to include a stitch in order to maintain the pleat in the desired configuration until further deployment.

Response to Arguments

6. Applicant's arguments filed 8/8/05 have been fully considered but they are not persuasive. The applicant has argued that since neither Fukuda or Yoshida teach a steering wheel that blocks inflation fluid from venting, they cant be combined. It appears that the Applicant is arguing that because all the claim limitations are not found in a single reference, they cant be combined. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re*

Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Regarding the motivation to combine the references, it is found in Yoshida, who teaches because it allows the use of a low output inflator (see col. 1, and throughout) and to release the fluid when the air bag is obstructed by an out of position occupant, so as to minimize danger to the out of position occupant caused by too firm impact with a highly pressurized air bag (see Figure 4 and col. 7, lines 3-20.)

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan
Primary Examiner
Art Unit 3616

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